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EXAMINER

APPLE, KIRSTEN SACHWITZ

ART UNIT PAPER NUMBER

3693

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/704,838

Applicant(s)

SLOAN ET AL.

Examiner

Kirsten S. Apple

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/15/06-5/01/06</u>   | 6) <input type="checkbox"/> Other: _____                          |

## EXAMINERS RESPONSE

### *Claim Rejections - 35 USC § 103*

The Examiner has read and reviewed all of the information provided by the Applicant.

The examiner rejects as final claims 1-25 under 35 USC 103.

The Applicant attention is re-drawn to the following:

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being obvious over Wolfberg et al. (US Patent No. 5,214,579), in view of Sullivan et al. (US Patent No. 6,615, 240), and Ferry et al. (US Patent No. 6,069,628).

#### **Claims 1, 9, 10, and 18:**

Wolfberg discloses a method, a system, and a computer program embodied on a computer readable medium for providing a graphical user interface to a financial modeling system allowing advice through projections (Col. 3, line 63-col. 4, line 10, col. 10, lines 40-55, col. 11, lines 27-29, col. 12, lines 38-49, col. 16, lines 4-41, col. 19, lines 24-35, col. 29, lines 18-38, col. 30, lines 3-44) and trends (Col. 23, lines 37-54) of a financial system (Col. 4, line 9-col. 5, line 11) based on a network architecture (Col. 7, line 53-col. 8, line 9), which determine the expectations (Col. 17, line 65-col 18, line 20) and impact (Col. 1, line 55-col. 2, line 12, col. 2, line 42) of investment

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decisions with a plurality of selectable service levels (Fig. 3B, item 130). Wolfberg does not exclude that his invention could be used to give advice, as a help-system for the investors, but he does not explicitly disclose this possibility of use.

Sullivan discloses an Internet-based system (Col. 1, line 18-col. 2, line 4, col. 4, lines 5762, col. 5, lines 5-38, col. 13, lines 36-51, col. 14, lines 22-23) that support both live advice (or live help, Abstract, col. 3, lines 36-62, col. 4, line 63-col. 5, line 4, col. 6, lines 20-63, col. 7, lines 12-28, col. 8, lines 9-22, col. 10, line 22-col. 12, line 12, col. 13, line 56-col. 14, line 63, col. 15, line 1-col. 16, line 67, col. 17, line 8-col. 18, line 10) and automated coaching (Abstract, col. 6, lines 39-50, col. 12, lines 39-50). Therefore, it would have been obvious to one having ordinary skill in the art at the time the Wolfberg invention was made to use it for a live advice and automated coaching as disclosed by Sullivan. One would have been motivated to use for live advice and automated coaching the Wolfberg invention in order to maximize its applications, and consequently, the revenues that result from its use.

The Wolfberg-Sullivan invention does not explicitly disclose providing a first window for displaying an image of said live advisor; and providing a second window for displaying context sensitive automated coaching. Ferry discloses a system which provides financial system services (Col. 4, lines 23-64) using a first window (Col. 2, lines 23-55, col. 14, lines 50-67, col. 16, lines 21-39) and a second window (Col. 2, lines 28-49, col. 14, lines 50-67, col. 16, lines 21-39). Therefore, it would have been obvious to one having ordinary skill in the art at the time the Wolfberg-Sullivan invention was made to use this step as disclosed by Ferry. One would have been motivated to use this step in the Wolfberg-Sullivan invention in order to facilitate the search of advice for the user.

The Wolfberg-Sullivan-Ferry invention does not explicitly disclose providing a plurality of icons for selecting at least one of a plurality of methods for communicating with a live advisor over the Internet. The examiner takes Official notice that this feature is old and well-known in the computer art because it is very easy for a user to pick an icon instead of giving a command to a financial program by different way.

**Claims 2, 11, and 19:** Wolfberg, Sullivan, and Ferry disclose the method, the system, and the computer program embodied on a computer readable medium of claims 1, 9, and 18. Wolfberg discloses a network architecture (see Claim 1 above) which could be also the Internet network. Sullivan explicitly discloses Internet (see Claim 1 above), and it is well known that the Internet network is a plurality of methods for communication that includes email, electronic chat, live streaming audio, voice over the network, telephone, still picture, and streaming live video. Therefore, it would have been obvious to one having ordinary skill in the art at the time the Wolfberg invention to use this step. One would have been motivated to use this step in the in order to increase the possibilities of communication for the user.

**Claims 3, 12 and 20:** Wolfberg, Sullivan, and Ferry disclose the method, the system, and the computer program embodied on a computer readable medium of claims 1, 9, and 18. Wolfberg also discloses an user interface that includes providing one interactive window for displaying a financial model generated by the financial modeling system (Fig 9C).

**Claims 4, 13, and 21:** Wolfberg, Sullivan, and Ferry disclose the method, the system, and the computer program embodied on a computer readable medium of claims 3, 12, and 20. Wolfberg, Sullivan, and Ferry do not explicitly disclose that the user interface includes a plurality of function icons for performing various operations on said generated financial model. The examiner takes Official notice that this feature is old and well-known in the

computer art because it is very easy for a user to pick an icon instead of giving a command to a financial program by different way.

**Claims 5, 14, and 22:** Wolfberg, Sullivan, and Ferry disclose the method, the system, and the computer program embodied on a computer readable medium of claims 4, 13, and 21. Wolfberg, Sullivan, and Ferry do not explicitly disclose that the function icons include providing at least one of transact, monitor, model, explore, track. The examiner takes Official notice that this feature is old and well-known in the computer art because it is very easy for a user to pick an icon instead of giving a command to a financial program by different way.

**Claims 6, 15, and 23:** Wolfberg, Sullivan, and Ferry disclose the method, the system, and the computer program embodied on a computer readable medium of claims 3, 12, and 20. Wolfberg also discloses that the user interface includes at least one dynamic window for displaying characteristics related to the generated financial model (Fig. 9C, 10A, 10B, and 10 C).

**Claims 7, 16, and 24:** Wolfberg, Sullivan, and Ferry disclose the method, the system, and the computer program embodied on a computer readable medium of claims 1, 9, and 18. Sullivan discloses a Financial system service Internet-based the wherein said user interface that includes providing at least one interactive window for displaying help messages related to using the financial modeling system, as is used in many automated coaching systems (see discussion on Claim 1 above).

**Claims 8, 17, and 25:** Wolfberg, Sullivan, and Ferry disclose the method, the system, and the computer program embodied on a computer readable medium of claims 1, 9, and 18. Wolfberg, Sullivan, and Ferry does not explicitly disclose wherein said user interface further includes providing at least one profile icon for performing various operations on a user profile based on user information. The examiner takes Official notice

that this feature is old and well known in the computer art because it is very easy for a user to pick an icon instead of giving a command to a financial program by different way.

### ***Response to Arguments***

Applicant's arguments filed 8/7/2006 have been fully considered but they are not persuasive.

In particular, and respect to Claim 1 the Applicant argued 1<sup>st</sup>:

“these different types of services are distinguishable from the different ‘amounts of portfolio modeling and coaching’”

The Examiner refutes the argument made by the Applicant and draws the attention to Wolfberg Fig. 3B, item 130, as explained in column 9, line 27-38. Wolfberg teaches “based on clients request for service. Wolfberg describes “other services” could be added, it is inherent in this explanation that variable levels of the similar services could be offered. Both “check writing and “credit card purchase” (two example given in the description) could be considered variable levels of “banking services,” the description goes on to explain that other services could be offered making it inherent that different levels of services are to be offered.

Applicants argued 2<sup>nd</sup>, “Wolfberg does not teach user can select variable amounts of any particular services”

The Examiner refutes the argument made by the Applicant and draws the attention to The Examiner refutes the argument made by the Applicant and draws the attention to Wolfberg Fig. 3B, item 130, as explained in column 9, line 27-38. See explanation above.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 7:30-6:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6126.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksa

  
ELLA COLBERT  
PRIMARY EXAMINER